

**REMARKS**

Applicant wishes to sincerely thank Examiner Kruer for the interview on September 3, 2003 and the cooperation in attempting to resolve issues regarding the present application.

Applicant has reviewed the Office Action dated as mailed June 9, 2003 and the documents cited therewith. After the above amendments have been made, the present application contains claims 1-3 and 5-12 and 14-30. Claims 1, 2, 7, 12, 14-16, 20, 22 and 23 have been amended. Claim 13 has been canceled and claim 30 has been added. Applicant believes the foregoing amendments place the application in condition for allowance. Entry of the amendments and allowance of the application at an early date is respectfully requested.

*Claim Rejections under 35 U.S.C. §103*

Claims 1-3, 5, 6, 8-10, 27 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 4,756,414 to Mott (hereinafter Mott) in view of U.S. Patent 4,699,830 to White (hereinafter White). Applicant continues to submit that there is no motivation to combine Mott and White, as discussed in detail in the previous Response filed on May 30, 2003, in that both documents teach that their structures are preferably transparent. Applicant desires to reserve the arguments advanced in the May 30, 2003 Response in the event of appeal.

Even if Mott and White were properly combinable, they still would not provide the present invention as recited in amended claim 1. Claim 1 has been amended to recite:

"a first moisture barrier, said first moisture barrier having a nonmetallized surface, wherein the nonmetallized surface is attached to the heat sealable static dissipative polymer by a first tie layer..."

In contrast to amended claim 1, referring to Figure 3 of Mott and column 4, lines 41-46, Mott recites:

"First layer 30 is formed of a flexible heat sealable plastic having primary and secondary major surfaces 32 and 34, respectively. First layer 30 has an antistatic material 36 on its primary major surface 32. First layer 30 also has antistatic properties (illustrated by numeral 36") on at least secondary major surface 34."

And Mott at column 6 beginning at line 31 recites:

"Second layer 38, with electrically conductive layer 44 therein, is joined with layer 30 using adhesive 46."

Thus Mott teaches that the electrically conductive layer 44 is joined to the heat sealable plastic layer 30 with the antistatic material 36 disposed therebetween on the primary major surface 32 of layer 30 as clearly shown in Figure 3 of Mott. Applicant respectfully submits that Mott does not teach or suggest a nonmetallized surface attached to a heat sealable static dissipative polymer by a first tie layer as required by the present invention as recited in amended claim 1.

Additionally, in contrasting White to the present invention as recited in amended claim 1, referring to Figure 2 of White and column 4 beginning at line 22, White recites:

"The laminated sheet material includes a first conductive metal layer 22 which is a buried metal layer that is sandwiched between the antistatic layer [20] and the carrier or substrate layer 26."

Accordingly, White also teaches a metal layer 22 attached to the antistatic layer 20. And Applicant respectfully submits that White also does not teach or suggest a nonmetallized surface of a first moisture barrier attached to a heat sealable static dissipative polymer by a first tie layer as required by the present invention as recited in amended claim 1.

Claim 1 has also been amended to recite:

"a second moisture barrier attached to the first moisture barrier, said second moisture barrier having a metallized surface and a nonmetallized surface, wherein the nonmetallized surface is attached to a metallized surface of the first moisture barrier by a second tie layer..."

In contrast, Mott does not teach or suggest that a second moisture barrier could be attached to his structure as also indicated on page 3 of the Office Action. In Figure 2 of White and in column 5 beginning at line 16, White recites:

"The laminated sheet material herein includes a second conductive metal layer 28 which is adhered to the remaining surface (i.e., outer surface) of the substrate 26. The second conductive metal layer 28 can be adhered, bonded or deposited onto the substrate 26 using any conventional technique such as vacuum or sputter metallization."

Thus, neither White nor Mott, whether considered individually or combined, teach or suggest a second moisture barrier wherein a nonmetallized surface of the second moisture barrier is attached to a metallized surface of the first moisture by a tie layer as required by the present invention in amended claim 1. White teaches an adhesive only between the first conductive layer 22 and the antistatic layer 20 as shown in Figure 2 of White and Mott teaches an adhesive only

between the antistatic material 36 on plastic layer 30 and the electrically conductive material 44 as shown in Figure 3 of Mott and as provided in the recitations from Mott above. Accordingly, Applicant respectfully submits that neither Mott nor White teach or suggest the structure of the present invention as recited in amended claim 1. Namely, the present invention teaches a nonmetallized layer of the first moisture barrier being attached to the antistatic layer by a tie layer and a nonmetallized surface of the second moisture barrier being attached to the metallized surface of the first moisture barrier by a second tie layer. Accordingly, Applicant respectfully submits that claim 1 is patentably distinguishable over Mott and White, whether considered individually or collectively, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of claim 1 is respectfully solicited.

Turning to the rejection of independent claim 2 under 35 U.S.C. §103(a) as being unpatentable over Mott in view of White, claim 2 has been amended to recite:

"a first polymeric moisture barrier having two surfaces, a metallized surface and a nonmetallized surface, said nonmetallized surface of said first polymeric moisture barrier being attached to said heat sealable static dissipative polymer by a first tie layer; a second polymeric moisture barrier having two surfaces, a metallized surface and a nonmetallized surface, said nonmetallized surface of said second polymeric moisture barrier being attached to said metallized surface of said first polymeric moisture barrier by a second tie layer..."

In contradistinction, as discussed above with respect to claim 1, neither Mott nor White teaches or suggests a first polymeric moisture barrier and a second polymeric moisture barrier each including a metallized surface and a nonmetallized surface. Additionally, as discussed above, both Mott and White teach a metal layer attached to the antistatic or static dissipative layer and do not teach or suggest a nonmetallized surface of the first polymeric moisture barrier being attached to the heat sealable static dissipative polymer by a first tie layer as required by claim 2. Applicant further respectfully submits that neither White nor Mott teach or suggest a nonmetallized layer of a second moisture barrier attached to a metallized surface of a first moisture barrier by a second tie layer as required by the present invention as recited in amended claim 2 above. Therefore, Applicant respectfully submits that amended claim 2 is patentably distinct over Mott and White, whether considered individually or collectively, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of claim 2 is respectfully requested.

With respect to the rejection of claims 3, 5, 6 and 8-10 under 35 U.S.C. §103 as being unpatentable over Mott in view of White, these claims depend either directly or indirectly from independent claim 2. By virtue of that dependency, claims 3, 5, 6 and 8-10 contain all of the features of independent claim 2. Accordingly, Applicant respectfully submits that claims 3, 5, 6 and 8-10 are patentably distinguishable over Mott and White, whether considered individually or combined, and reconsideration and withdrawal of the Section 103 rejection of these claims is respectfully requested.

With respect to the rejection of claims 27 and 28 under 35 U.S.C. §103 as being unpatentable over Mott in view of White, claim 27 depends directly from independent claim 1 and claim 28 depends directly from independent claim 2. By virtue of these dependencies, claims 27 and 28 include all of the features of independent claims 1 and 2 respectively. Each of claims 27 and 28 also recite "wherein the moisture penetration rate is less than .02 grams per 100 square inches per 24 hours." In contrast, neither Mott nor White teach or suggest a moisture barrier let alone a first and second moisture barrier with a structure as recited in claims 1 and 2 and with the moisture penetration rate recited in dependent claims 27 and 28. Therefore, Applicant respectfully submits that claims 27 and 28 are patentably distinguishable over Mott and White, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of these claims is respectfully solicited.

Claim 7 was rejected under 35 U.S.C. §103 as being unpatentable over Mott in view of White and further in view of U.S. Patent 4,293,070 to Ohlbach (hereinafter referred to as Ohlbach). As previously discussed, Mott and White do not provide the present invention as recited in amended claim 2. Claim 7 depends directly from independent claim 2 and by virtue of that dependency contains all of the features of claim 2. Additionally, claim 7 has been amended to recite:

"wherein the low charge retaining layer is a carbon loaded polymer with a conductivity of between  $1 \times 10^{-3}$  and  $1 \times 10^{-9}$  Siemens."

In contrast, Ohlbach teaches forming a carbon black trap for static electricity by applying a coating of carbon black to a web of paper board laminated to at least one other paper board. See Ohlbach column 2 beginning at line 66 and continuing in column 3. Therefore, Applicant respectfully submits that Ohlbach does not teach or suggest a carbon loaded polymer with a

conductivity of between  $1 \times 10^{-3}$  and  $1 \times 10^{-9}$  Siemens as recited in amended claim 7 (emphasis added). Further, Applicant respectfully submits that Ohlbach adds nothing to the teachings of either Mott or White so as to render claim 2 unpatentable. Therefore, claim 7 is respectfully submitted to be patentably distinguishable over Mott, White and Ohlbach, whether considered individually or combined, and reconsideration and withdrawal of the Section 103 rejection of claim 7 is respectfully solicited.

Claim 11 was rejected under 35 U.S.C. §103 as being unpatentable over Mott in view of White and further in view of U.S. Patent 4,906,517 to Akao (hereinafter referred to as Akao). Akao discloses a packaging material for photosensitive materials. In column 5 beginning at line 21, Akao recites:

"The light-shielding ethylene copolymer resin film layer contains a light-shielding material. The light-shielding material includes every material capable of shielding visible light and ultraviolet light."

Both Mott and White desire that their packaging material be light transmissive and not light-shielding as required by Akao. See Mott column 5, lines 57-60 and White column 5, lines 50-68. As stated in MPEP §2143.01 the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggest the desirability of the combination. Accordingly, Applicant respectfully submits that Akao teaches away from Mott and White and there is no teaching or suggestion in Akao, Mott and White that their teaching may be combined to provide the present invention as recited in the claims. Even if Akao, Mott and White could properly be combined, Akao adds nothing to Mott and White so as to render independent claim 2 unpatentable. Claim 11 depends directly from claim 2 and therefore contains all of the features thereof. Applicant therefore submits that claim 11 is also patentably distinguishable over Mott, White and Akao, whether considered individually or collectively, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of claim 11 is respectfully requested.

Claims 1 and 23-27 were rejected under 35 U.S.C. §103 as being unpatentable over White in view of U.S. Patent 5,689,878 to Dahringer et al. (hereinafter Dahringer). As previously discussed, Applicant respectfully submits that there is no motivation to combine White with any other structure in that White teaches that his structure is preferably transparent. Even if White

and Dahringer could properly be combined, they still would not provide the structure of the present invention recited in the claims as discussed herein. With respect to the 35 U.S.C. §103 rejection of independent claim 1 as being unpatentable over White in view of Dahringer, neither White nor Dahringer teach or suggest the layered structure as recited in claims 1 and 23-27. As discussed above, claim 1 has been amended to require that a nonmetallized surface of the first moisture barrier be attached to the heat sealable static dissipative layer by a first tie layer. In contrast, as previously discussed, White teaches a first conductive metal layer attached to an antistatic or static dissipative layer.

Dahringer at column 5, beginning at line 37 recites:

"The inner polymer layer 54 preferably is an electrically insulative thermoplastic material such as polyethylene that can also be heat sealable. Other appropriate materials well known to those skilled in the art can also be used. This prevents inadvertent electrical connection of the components within the sealed enclosure."

Accordingly, in contrast to claim 1, Dahringer teaches away from any electrical connection to any components within the enclosure and therefore teaches away from claim 1, which requires an antistatic layer. Dahringer also, therefore, does not teach or suggest a nonmetallized surface of a first moisture barrier being attached to a static dissipative layer by a first tie layer as required by the present invention as recited amended claim 1.

Additionally, as discussed above, claim 1 has been amended to recited that a nonmetallized surface of a second moisture barrier is attached to a metallized surface of the first moisture barrier by a second tie layer. As previously discussed with respect to White, White does not teach or suggest a nonmetallized surface of a second moisture barrier being attached to a metallized surface of a first moisture barrier by a second tie layer as required by amended claim 1. Referring to Figures 5 and 6 of Dahringer and to those portions of the specification referring to the Figures 5 and 6, Dahringer does not teach or suggest any tie layers and particularly a nonmetallized surface of a second moisture barrier being attached to a metallized surface of a first moisture barrier by a tie layer as required by the present invention in amended claim 1. For all of the reasons discussed above, Applicant respectfully submits that amended claim 1 is patentably distinct over White and Dahringer, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of claim 1 is respectfully solicited.

Turning now to the 35 U.S.C. §103 rejection of independent claim 23 as being unpatentable over White in view of Dahringer, claim 23 has been amended to recite:

"a first tie layer attached to the heat sealable static dissipative polymer;  
a polymeric moisture barrier having two surfaces, a metallized surface and a nonmetallized surface said nonmetallized surface being attached to the first tie layer;  
a second tie layer attached to the polymeric moisture barrier;  
a polymeric layer attached to the second tie layer;  
a third tie layer attached to the polymeric layer;  
a metal foil attached to the third tie layer"

In contrast, as discussed with respect to claim 1, neither White nor Dahringer teach or suggest a polymeric moisture barrier with a nonmetallized surface being attached to a first tie layer which in turn is attached to a heat sealable static dissipative polymer. Additionally, as previously discussed, neither White nor Dahringer teach or suggest a polymeric layer attached to a second tie layer which is attached to a polymeric moisture barrier. Further, neither White nor Dahringer teach or suggest a third tie layer and a metal foil attached to the third tie layer. For all of these reasons, Applicant respectfully submits that claim 23 is patentably distinguishable over White and Dahringer, whether considered individually or collectively, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of amended claim 23 is respectfully solicited.

With respect to the rejection of claim 24-26 under 35 U.S.C. §103 as being unpatentable over White in view of Dahringer, these claims contain additional features that further patentably distinguish over White and Dahringer. Additionally, these claims depend either directly or indirectly from independent claim 23, and by virtue of that dependency contain all of the features of independent claim 23. Therefore, Applicant respectfully submits that claims 24-26 also patentably distinguish over White and Dahringer, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of these claims is respectfully solicited.

With respect to the 35 U.S.C. §103 rejection of claim 27 as being unpatentable over White in view of Dahringer, claim 27 recites additional features that further patentably distinguish over White and Dahringer. Additionally, claim 27 depends directly from claim 1 and by virtue of that dependency contains all of the features of claim 1. Therefore, Applicant respectfully submits that claim 27 is also patentably distinguishable over White and Dahringer,

whether considered individually or collectively, and reconsideration and withdrawal of the Section 103 rejection of claim 27 is respectfully solicited.

Claims 1, 12-18, 22, 27 and 29 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent 5,180,615 to Havens (hereinafter Havens) in view of White and Dahringer. Applicant respectfully submits that there is no motivation to combine Havens, White and Dahringer as discussed in detail in the previous Response filed on May 30, 2003, in that the documents teach that their structures are preferably transparent or partially transparent. Applicant respectfully submits that the motivation to combine only arises after reading the present application. Applicant desires to reserve the arguments advanced in the May 30, 2003 Response in the event of appeal. Even if these documents could be properly combined, they still would not provide the present invention as discussed below.

The Office Action indicates that Havens teaches a flexible sheet material for packaging electrostatic sensitive items but that Havens does not teach that the packaging laminate should comprise a second metal conductive layer and a low charge retaining coating as taught by the present invention as recited in the claims. The Office Action cited White for teaching a carrier film and a second conductive layer added to the structure of Havens.

As previously discussed, claim 1 have been amended to recite:

"a second moisture barrier attached to the first moisture barrier, said second moisture barrier having a metallized surface and a nonmetallized surface, wherein the nonmetallized surface is attached to a metallized surface of the first moisture barrier by a second tie layer..."

In contrast, as shown in Figure 2 of White, White teaches that the carrier 26 resides directly on the first conductive layer 22 and White does not teach or suggest a tie layer as required by the present invention as recited in amended claim 1. Additionally, White in column 5, beginning at line 1 recites:

"The next layer in the laminated sheet material shown in FIG. 2 is the substrate or carrier sheet 26."

Accordingly, White does not teach or suggest that a nonmetallized surface of the second moisture barrier is attached to the a metallized surface of the first moisture barrier by a second tie layer as required by the present invention as recited in amended claim 1.



Dahringer was cited for teaching that the metal layer is preferably a laminated foil. Applicant respectfully submits that Dahringer adds nothing to the teachings of Haven and White so as to render amended claim 1 unpatentable. Additionally, referring to Figures 5 and 6 of Dahringer and those portions of Dahringer referring to Figures 5 and 6, Dahringer does not teach or suggest tie layers between the layers of his structure. Therefore, for all of the reasons discussed above, Applicant respectfully submits that claim 1 is patentably distinct over Havens, White and Dahringer, whether considered individually or collectively, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of claim 1 is respectfully solicited.

Turning to the rejection of independent claim 12 under 35 U.S.C. §103 as being unpatentable over Havens in view of White and Dahringer, claim 12 has been amended to recite:

"a second moisture barrier with a metallized surface and a nonmetallized surface said nonmetallized surface of said second moisture barrier being attached to a nonmetallized surface of the first moisture barrier by a second tie layer..."

In contrast, neither Havens, White or Dahringer, whether considered individually or combined, teach or suggest a second moisture barrier with a metallized surface and a nonmetallized surface wherein the nonmetallized surface of the second moisture barrier is attached to a nonmetallized surface of the first moisture barrier by a second tie layer. As indicated in the Office Action, Havens does not teach or suggest a second moisture barrier with a second metal conductive layer and low charge retaining coating. White teaches a second metal layer 28 (Figure 2 of White) disposed on a carrier or substrate 26 that is disposed on a first metal layer 22 analogous to the metal layer of Havens. Thus neither White nor Havens teach or suggest a second moisture barrier with a nonmetallized surface attached to a nonmetallized surface of the first moisture barrier by a second tie layer. Further, as previously discussed, referring to Figures 5 and 6 of Dahringer, Dahringer does not teach or suggest tie layers between his polymeric layers. Accordingly, Applicant respectfully submits that amended claim 12 is patentably distinguishable over Havens, White and Dahringer, whether considered individually or collectively, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of independent claim 12 is respectfully requested. Support for the amendment to claim 12 may be found in Figure 1 and on page 9, lines 8-12.

Turning to the rejection of independent claim 14 under 35 U.S.C. §103 as being unpatentable over Havens in view of White and Dahringer, claim 14 has been amended to recite:

"a dielectric polymer attached to the heat sealable static dissipative polymer by a first tie layer;  
a metal foil attached to the dielectric polymer to form a first moisture barrier;  
a second moisture barrier with a metallized surface and a nonmetallized surface said nonmetallized surface of said second moisture barrier being attached to the metal foil by a second tie layer..."

In contrast, neither Havens, White nor Dahringer, whether considered individually or collectively, teach or suggest the structure of the present invention as recited in claim 14. Namely, a metal foil attached to a dielectric polymer to form a first moisture barrier with the dielectric polymer being attached to a static dissipative polymer by a tie layer and a second polymeric moisture barrier with a metallized surface and a nonmetallized surface, the nonmetallized surface being attached to the metal foil by a second tie layer as required by amended claim 14. As previously discussed with respect to claim 1, none of the cited documents teaches or suggests a nonmetallized surface of a second moisture barrier being attached to a metallized surface or metal foil of a first moisture barrier by a tie layer as provided by the present invention as recited in amended claim 14. Accordingly, Applicant respectfully submits that claim 14 is patentably distinguishable over Havens, White and Dahringer, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of claim 14 is respectfully requested.

With respect to the rejection of claims 15-18 and 22 under 35 U.S.C. §103 as being unpatentable over Havens, White and Dahringer, these claims contain additional features that further patentably distinguish over the cited documents. For example, claim 15 has been amended to recite that the dielectric polymer is attached to the metal foil by a third tie layer. Applicant respectfully submits that there is no teaching or suggestion in Havens, White and Dahringer of the structure recited in claim 15. Additionally, claim 15 and claims 16-18 and 22 depend either directly or indirectly from independent claim 14 and by virtue of that dependency contain all of the features of independent claim 14. Therefore, Application respectfully submits that claims 15, 16-18 and 22 are also patentably distinguishable over Havens, White and Dahringer, whether considered individually or collectively, and reconsideration and withdrawal of the Section 103 rejection of claim 15 is respectfully requested.

With respect to the rejection of claim 27 under 35 U.S.C. §103 as being unpatentable over Havens, White and Dahringer, claim 27 recites:

"A film material as in claim 1 wherein the moisture penetration rate is less than .02 grams per 100 square inches per 24 hours."

As discussed above, Applicant respectfully submits that neither Havens, White or Dahringer whether considered individually or collectively, teach or suggest the structure as recited in amended claim 1, nor do any of these documents, individually or collectively, teach or suggest a penetration rate as recited in claim 27. Additionally, claim 27 depends directly from independent claim 1 and by virtue of that dependency contains all of the features of claim 1. Accordingly, Applicant respectfully submits that claim 27 is also patentably distinguishable over Havens, White and Dahringer, whether considered individually or collectively, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of claim 27 is respectfully requested.

With respect to the rejection of claim 29 under 35 U.S.C. §103 as being unpatentable over Havens, White and Dahringer, claim 29 recites the same features as claim 27. Additionally, claim 29 depends directly from claim 14 and by virtue of that dependency contains all of the features of claim 14. Therefore, Applicant respectfully submits that 29 is also patentably distinct over the cited documents, whether considered individually or combined, and reconsideration and withdrawal of the Section 103 rejection of claim 29 is also respectfully requested.

Claim 19 was rejected under 35 U.S.C. §103 as being unpatentable over Havens in view of White and Dahringer and further in view of U.S. Patent 4,738,882 to Rayford (hereinafter Rayford). As previously discussed, there is no motivation to combine Havens, White and Dahringer with each other or any other structure such as Rayford. Even if properly combinable the cited documents would not provide the present invention as recited in the claims.

As indicated in the Office Action, neither Havens, White or Dahringer teach or suggest that the dielectric polymer should be biaxially oriented. Rayford was cited in the Office Action for teaching an insulating layer that may be biaxially oriented. Claim 19 depends indirectly from independent claim 14 and by virtue of that dependency contains all of the features of claim 14. Applicant respectfully submits that Rayford adds nothing to the teachings of Havens, White and Dahringer so as to render claim 14 unpatentable. Accordingly, Applicant respectfully submits that claim 19 is also patentably distinguishable over Havens, White, Dahringer and Rayford,

whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of claim 19 is respectfully requested.

Claims 20 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Havens in view of White, Dahringer, Rayford and Mott. The Office Action indicates that Havens, White, Dahringer and Rayford do not teach that the carrier film may be a polyethylene. However, the Office Action cited Mott for teaching that the carrier film of a metallized layer may comprise polypropylene or polyethylene citing column 4, line 66 et seq. of Mott. Mott in column 4 beginning at line 66 recites:

"First layer 30 is preferably a polyolefin such as polyethylene (either high or low density, branched or linear) or polypropylene."

Mott in column 4, beginning at line 43 recites:

First layer 30 has an antistatic material 36 on its primary major surface 32. First layer 30 also has antistatic properties (illustrated by numeral 36") on at least secondary major surface 34."

Accordingly, the first layer 30 of Mott is analogous to the static dissipative polymer recited in independent claim 14 from which claim 20 indirectly depends and the first layer 30 of Mott is not analogous to the second moisture barrier as recited in amended claim 20. Accordingly, amended claim 20 is respectfully submitted to be patentably distinguishable over Havens, White, Dahringer, Rayford and Mott, whether considered individually or collectively. Additionally, claims 20 and 21 depend indirectly from independent claim 14 and by virtue of that dependency contain all of the features of claim 14. Applicant respectfully submits that Mott adds nothing to the teachings of Havens, White, Dahringer and Rayford so as to render independent claim 14 unpatentable. Accordingly, for all of the reasons discussed above, claims 20 and 21 are also submitted to be patentably distinguishable over the cited documents, whether considered individually or combined, and reconsideration and withdrawal of the Section 103 rejection of these claims is respectfully solicited.

New claim 30 recites that the metallized surface of the second moisture barrier is attached to the nonmetallized surface of the second moisture barrier by a third tie layer. Applicant respectfully submits that none of the documents of record whether considered individually or collectively provide a third tie layer as provided in claim 30. Additionally, claim 30 depends from independent claim 2 and by virtue of that dependency contains all of the features of claim 2.

Accordingly, Applicant respectfully submits that new claim 30 is patentable over the documents of record and allowance of claim 30 is respectfully solicited.

For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of claims at the earliest possible date are respectfully requested.

In the event that the examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number indicated below.

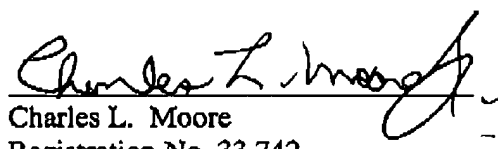
The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 13-4365.

Respectfully submitted,

Beamer, Brent A. et al.  
(Applicant)

Date: October 6, 2003

By:

  
Charles L. Moore  
Registration No. 33,742

RECEIVED  
CENTRAL FAX CENTER  
OCT 06 2003

OFFICIAL

Moore & Van Allen  
2200 West Main Street  
Suite 800  
Durham, NC 27705  
Telephone: (919) 286-8000  
Facsimile: (919) 286-8199